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1614-

Docket No. 64987/JPW/GJG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gabriela Chiosis et al. **RECEIVED**  
U.S. Serial No.: 09/938,746 **APR 26 2002**  
Filed : August 23, 2001 **TECH CENTER 1600/2900**  
For : METHOD FOR RE-SENSITIZING VANCOMYCIN  
RESISTANT BACTERIA USING AGENTS WHICH  
SELECTIVELY CLEAVE A CELL WALL  
DEPSIPEPTIDE

#8  
AM  
5-11-02

1185 Avenue of the Americas  
New York, New York 10036  
April 16, 2002

Honorable Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

**RECEIVED**  
**APR 26 2002**  
**TECH CENTER 1600/2900**

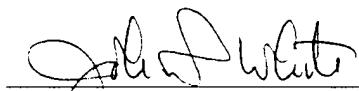
TRANSMITTAL OF VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f) AND §1.27(d)

Applicants submit as **Exhibit 1** a Verified Statement (Declaration) Claiming Small Entity Status under 37 C.F.R. §1.9(f) and §1.27(d) signed by Dr. Michael J. Cleare. The Verified Statement is signed by an authorized official of a coassignee having rights in the subject application, namely, The Trustees of Columbia University in the City of New York.

Applicant : Gabriela Chiosis et al.  
U.S. Serial No.: 09/938,746  
Filed : August 23, 2001  
Page: 2

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account 03-3125.

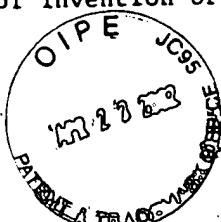
Respectfully submitted,



John P. White  
Registration No. 28,678  
Attorney for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.	
 John P. White	4/16/02 Date
Reg. No. 28,678	

Applicant or Patentee: Gabriela Chiosis et al.  
Serial or Patent No.: 09/938,746  
Filed or Issued: August 23, 2001  
Title of Invention or Patent: METHOD FOR RE-SENSITIZING VANCOMYCIN RESISTANT BACTERIA USING AGENTS WHICH SELECTIVELY CLEAVE A CELL WALL DEPSIPEPTIDE



Attorney's 64987  
Docket No: JPW/GJG

VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f)  
AND §1.27(d) - NONPROFIT ORGANIZATION

COPY OF PAPERS  
ORIGINALLY FILED

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: The Rockefeller University

RECEIVED

Address of Organization: 1230 York Avenue - Box 81  
New York, New York 10021

APR 25 2001

TECH CENTER 1600/2900

TYPE OF ORGANIZATION:

UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 U.S.C. §§501(a) and  
501(c)(3)

NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA

NAME OF STATE:

CITATION OF STATUTE:

WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 U.S.C. §§501(a) and 501(c)(3) IF LOCATED IN THE UNITED STATES OF AMERICA

WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA

NAME OF STATE:

CITATION OF STATUTE:

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. §1.9(e)\* for purposes of paying reduced fees under 35 U.S.C. §41(a) and 41(b), with regard to the invention entitled

METHOD FOR RE-SENSITIZING VANCOMYCIN RESISTANT BACTERIA USING AGENTS WHICH

SELECTIVELY CLEAVE A CELL WALL DEPSIPEPTIDE

by inventor(s) Ivo G. Boneca and Gabriela Chiosis and W. Clark Still

described in:

the specification filed herewith  
 application serial no. 09/938,746 filed August 23, 2001  
 patent no. issued

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive each individual, concern, or organization known to have rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d)\* or a nonprofit organization under 37 C.F.R. 1.9(e)\*

<sup>a</sup>NOTE: Separate verified statements are required from each person, concern, or organization having rights to the invention averring to their status as small entities. 37 C.F.R. §1.27.

Name: The Trustees of Columbia University in the City of New York  
Address: Broadway and West 116th Street  
New York, New York 10027  
 Individual     Small Business Concern     Nonprofit Organization

37 C.F.R. §§1.9(d), 1.9(e)

(d) A small business concern as used in this chapter means any business concern as defined by the Small Business Administration in 13 C.F.R. §121.3-18, published on September 30, 1982 at 47 FR 43273. For the convenience of the users of these regulations, that definition states:

§121.3-18 Definition of small business for paying reduced patent fees under Title 35, U.S. Code.

(a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41(a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those of its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.

(b) If the Patent and Trademark Office determines that a concern is not eligible as a small business concern within this section, the concern shall have a right to appeal that determination to the Small Business Administration. The Patent and Trademark Office shall transmit its written decision and the pertinent size determination file to the SBA in the event of such adverse determination and size appeal. Such appeals by concerns should be submitted to the SBA at 1441 L Street, NW., Washington, D.C. 20416 (Attention: SBA Office of General Counsel). The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error; and the facts and arguments supporting the concern's claimed status as a small business concern under this section.

(e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) of this section if it were located in this country.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. §1.28(b)\*.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Kathleen A. Denis, Ph.D.  
Title In Organization: Senior Director of Technology Transfer  
Address: 1230 York Avenue  
New York, New York 10021  
Signature: Kathleen A. Denis  
Date Of Signature: 4/4/02

37 C.F.R. §1.28(b)

(b) Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due. Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to §1.9 of this part. The notification of change in status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to §1.34(a) of this part.



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Applicant : Gabriela Chiosis et al.

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U.S. Serial No.: 09/938,746

APR 25 2002

Filed : August 23, 2001

TECH CENTER 1600/2900

For : METHOD FOR RE-SENSITIZING VANCOMYCIN  
RESISTANT BACTERIA USING AGENTS WHICH  
SELECTIVELY CLEAVE A CELL WALL  
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April 16, 2002

Honorable Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

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U.S. Serial No.: 09/938,746  
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Page: 2

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Respectfully submitted,

*John P. White*

John P. White  
Registration No. 28,678  
Attorney for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

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<i>John P. White</i>	4/16/02
John P. White Reg. No. 28,678	Date

Applicant or Patentee: Gabriela Chiosis et al. Attorney's 64987  
Serial or Patent No.: 09/938,746 Docket No: JPW/GJG  
Filed or Issued: August 23, 2001  
Title of Invention or Patent: METHOD FOR RE-SENSITIZING VANCOMYCIN RESISTANT BACTERIA USING AGENTS WHICH SELECTIVELY CLEAVE A CELL WALL DEPSIPEPTIDE

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VERIFIED STATEMENT (DECLARATION) CLAIMING  
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AND §1.27(d) - NONPROFIT ORGANIZATION

APR 26 2002

TECH CENTER 1600/2900

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: The Trustees of Columbia University  
in the City of New York  
Address of Organization: Broadway and West 116th Street  
New York, New York 10027

TYPE OF ORGANIZATION:

- UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 U.S.C. §§501(a) and  
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NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED  
STATES OF AMERICA  
NAME OF STATE: \_\_\_\_\_  
CITATION OF STATUTE:  
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WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE  
OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
NAME OF STATE: \_\_\_\_\_  
CITATION OF STATUTE: \_\_\_\_\_

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by inventor(s) Gabriela Chiosis and W. Clark Still and Ivo Boneca

described in:

the specification filed herewith  
application serial no. 09/938,746 filed August 23, 2001  
patent no. \_\_\_\_\_ issued \_\_\_\_\_

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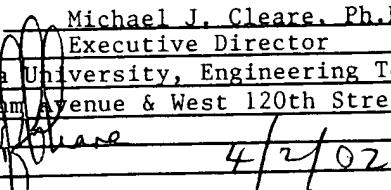
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Small Entity/Nonprofit

Page -2-

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Name of Person Signing: Michael J. Cleare, Ph.D.  
Title In Organization: Executive Director  
Address: Columbia University, Engineering Terrace - Suite 363  
Amsterdam Avenue & West 120th Street, New York 10027  
Signature:   
Date Of Signature: 4/2/02

37 C.F.R. §1.28(b)

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